



Minutes of MAYOR AND COUNCIL Meeting

Approved by Mayor and Council
on February 20, 2019.

Date of Meeting: September 5, 2018

The Mayor and Council of the City of Tucson met in regular session in the Mayor and Council Chambers in City Hall, 255 West Alameda Street, Tucson, Arizona, at 6:04 p.m., on Wednesday, September 5, 2018, all members having been notified of the time and place thereof.

1. **ROLL CALL**

The meeting was called to order by Mayor Rothschild and upon roll call, those present and absent were:

Present:

Regina Romero
Paul Cunningham
Paul Durham
Shirley C. Scott
Richard G. Fimbres
Steve Kozachik
Jonathan Rothschild

Council Member Ward 1
Council Member Ward 2
Council Member Ward 3
Council Member Ward 4
Vice Mayor, Council Member Ward 5
Council Member Ward 6
Mayor

Absent/Excused:

None

Staff Members Present:

Michael J. Ortega
Michael Rankin
Roger W. Randolph

City Manager
City Attorney
City Clerk

2. INVOCATION AND PLEDGE OF ALLEGIANCE AND APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

a. INVOCATION

The invocation was given by Ana Marrufo, City Clerk's Office.

b. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was presented by the entire assembly.

c. PRESENTATIONS:

1. Vince Collins presented an award to the Environmental Systems Research Institute for Special Achievement in Geographic Information Systems.
2. Mayor Rothschild proclaimed September 21st to be "Women in Government Day."

d. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

Mayor Rothschild announced City Manager's communication number 293, dated September 5, 2018 was received into and made part of the record. He asked for a motion to approve the appointments in the report.

It was moved by Council Member Durham, duly seconded, and carried by a voice vote of 7 to 0, to approve the appointments of Monica Brinkerhoff to the Metropolitan Education Commission (MEC), and Claudio Rodriguez to the Commission on Food Security, Heritage, and Economy (CFSHE), and the reappointments of Dennis Coon, Hyman Kaplan, Craig Barron, Paul Smith, and Buell Jannuzi to the Outdoor Lighting Code Committee (OLCC).

Mayor Rothschild asked if there were any personal appointments to be made.

Vice Mayor Fimbres announced his personal appointment of Francisco Castro to the Planning Commission.

Council Member Romero announced her personal appointment of Alexandra Jimenez to the Transit Task Force.

3. MAYOR AND COUNCIL/CITY MANAGER'S REPORT: SUMMARY OF CURRENT EVENTS

Mayor Rothschild announced City Manager's communication number 291, dated September 5, 2018 was received into and made part of the record. He also announced this was the time scheduled to allow members of the Mayor and Council and the City Manager to report on current events and asked if there were any reports.

Current event reports were provided by Vice Mayor Fimbres, Council Members Romero, Cunningham, and Durham.

Current event report was given by Michael J. Ortega, City Manager.

A recording of this item is available from the City Clerk's Office for ten years from the date of this meeting.

4. BOARDS, COMMITTEES AND COMMISSIONS: REPORTS TO MAYOR AND COUNCIL

Mayor Rothschild announced City Manager's communication number 292, dated September 5, 2018 was received into and made part of the record. He also announced this was the time scheduled to allow Boards, Committees and Commissions to report on their activities during the past year, as well as, anticipated future activities.

Report was given by Jeannie Maldonado, Pedestrian Advisory Committee (PAC) Chair.

A recording of this item is available from the City Clerk's Office for ten years from the date of this meeting.

5. LIQUOR LICENSE APPLICATIONS

Mayor Rothschild announced City Manager's communication number 294, dated September 5, 2018, was received into and made part of the record. He asked the City Clerk to read the Liquor License Agenda.

b. Liquor License Application(s)

New License(s)

1. Maru Japanese Noodle Shop, Ward 1
1370 N. Silverbell Rd. #180
Applicant: Hirotsune Tashima
Series 12, City 59-18
Action must be taken by: September 6, 2018

Staff has indicated the applicant is in compliance with city requirements.

2. Gaslight Theatre/Little Anthony's, Ward 2
7010 E. Broadway Blvd.
Applicant: Anthony Denison Terry Jr.
Series 12, City 60-18
Action must be taken by: September 7, 2018

Staff has indicated the applicant is in compliance with city requirements.

3. El Sinaloa Cafe & Bar, Ward 5
432 E. Michigan Dr.
Applicant: Maria I. Teran
Series 7, City 61-18
Action must be taken by: September 15, 2018

Staff has indicated the applicant is in compliance with city requirements.

Public Opinion: Written Arguments Opposed Filed

This item was considered separately.

NOTE: State law provides that for a new license application "In all proceedings before the governing body of a city...the applicant bears the burden of showing that the public convenience requires and that the best interest of the community will be substantially served by the issuance of a license". (A.R.S. Section 4-201)

Person/Location Transfer(s)

4. The Royal Room, Ward 6
450 N. 6th Ave.
Applicant: Ian James Stupar
Series 6, City 58-18
Action must be taken by: August 30, 2018

Staff has indicated the applicant is in compliance with city requirements.

5. Century Park Place 20, Ward 6
5870 E. Broadway Blvd. #3006
Applicant: Andrea Dahlman Lewkowitz
Series 6, City 62-18
Action must be taken by: September 16, 2018

Staff has indicated the applicant is in compliance with city requirements.

NOTE: State law provides that for a person and location transfer Mayor and Council may consider both the applicant's capability qualifications reliability and location issues. (A.R.S. Section 4-203; R19-1-102)

c. Special Event(s)

1. St. Margaret Mary Alacoque Parish, Ward 1
801 N. Grande Ave.
Applicant: Maria D. Castro
City T81-18
Date of Event: September 29, 2018
(Parish Fiesta)

Staff has indicated the applicant is in compliance with city requirements.

2. El Grupo Youth Cycling, Ward 1
610 N. 9th Ave.
Applicant: Daniela Diamente
City T82-18
Date of Event: October 28, 2018
(Fundraiser)

Staff has indicated the applicant is in compliance with city requirements.

3. Our Lady Queen of All Saints, Ward 5
2915 E. 36th St.
Applicant: Darlene Dooley
City T83-18
Date of Event: October 6, 2018 - October 7, 2018
(Fundraiser)

Staff has indicated the applicant is in compliance with city requirements.

4. University of Arizona, Arizona Athletics, Ward 6
1721 E. Enke Dr.
Applicant: Natasha Harrison
City T84-18
Date of Event: September 15, 2018
(Wildcat Club Tailgate)

Staff has indicated the applicant is in compliance with city requirements.

This item was considered separately.

5. University of Arizona, Arizona Athletics, Ward 6
1721 E. Enke Dr.
Applicant: Natasha Harrison
City T85-18
Date of Event: September 29, 2018
(Wildcat Club Tailgate)

Staff has indicated the applicant is in compliance with city requirements.

This item was considered separately.

6. University of Arizona, Arizona Athletics, Ward 6
1721 E. Enke Dr.
Applicant: Natasha Harrison
City T86-18
Date of Event: October 6, 2018
(Wildcat Club Tailgate)

Staff has indicated the applicant is in compliance with city requirements.

This item was considered separately.

7. Dusk Charities Inc., Ward 5
4475 S. Country Club Rd.
Applicant: Page W. Repp
City T90-18
Date of Event: October 6, 2018
(Concert)

Staff has indicated the applicant is in compliance with city requirements.

8. El Rio Health Center Foundation, Ward 6
160 S. Scott Ave.
Applicant: Brenda Goldsmith
City T91-18
Date of Event: September 22, 2018
(BowTie Block Party)

Staff has indicated the applicant is in compliance with city requirements.

9. Ronald McDonald House Charities of Southern Arizona, Ward 3
2155 E. Allen Rd.
Applicant: Andrew Matlick Scott
City T94-18
Date of Event: September 21, 2018
("House Party" - Fundraiser)

Staff has indicated the applicant is in compliance with city requirements.

10. Tucson Symphony Society, Ward 2
4811 E. Grant Rd.
Applicant: Celena Noelle Robles
City T95-18
Date of Event: October 13, 2018
(Fundraiser)

Staff has indicated the applicant is in compliance with city requirements.

d. Agent Change/Acquisition of Control/Restructure

1. Food Store, Ward 3
1345 N. Stone Ave.
Applicant: Sumit Thathi
Series 10, City AC9-18
Action must be taken by: September 13, 2018

Staff has indicated the applicant is in compliance with city requirements.

NOTE: The local governing body of the city town or county may protest the acquisition of control within sixty days based on the capability reliability and qualification of the person acquiring control. (A.R.S. Section 4-203.F)

It was moved by Council Member Scott, duly seconded, and carried by a voice vote of 7 to 0, to forward liquor license applications 5b1, 5b2, 5b4 and 5b5; 5c1 through 5c3, and 5c7 through 5c10; and 5d1 to the Arizona State Liquor Board with a recommendation for approval.

5. LIQUOR LICENSE APPLICATIONS

c. Special Event(s)

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1721 E. Enke Dr.
Applicant: Natasha Harrison
City T84-18
Date of Event: September 15, 2018
(Wildcat Club Tailgate)

Staff has indicated the applicant is in compliance with city requirements.

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1721 E. Enke Dr.
Applicant: Natasha Harrison
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Date of Event: September 29, 2018
(Wildcat Club Tailgate)

Staff has indicated the applicant is in compliance with city requirements.

6. University of Arizona, Arizona Athletics, Ward 6
1721 E. Enke Dr.
Applicant: Natasha Harrison
City T86-18
Date of Event: October 6, 2018
(Wildcat Club Tailgate)

Staff has indicated the applicant is in compliance with city requirements.

Council Member Kozachik declared a conflict of interest for items 5c4 – 5c6.

It was moved by Council Member Cunningham, duly seconded and carried by a voice vote of 6 to 0 (Council Member Kozachik recused due to a conflict of interest), to forward Items 5c4 – 5c6, to the State Liquor Board with a recommendation for approval.

5. LIQUOR LICENSE APPLICATIONS

b. Liquor License Application(s)

New License(s)

3. El Sinaloa Cafe & Bar, Ward 5
432 E. Michigan Dr.
Applicant: Maria I. Teran
Series 7, City 61-18
Action must be taken by: September 15, 2018

Staff has indicated the applicant is in compliance with city requirements.

Public Opinion: Written Arguments Opposed Filed

This item was considered separately.

Vice Mayor Fimbres asked if anyone was in attendance of opposition, there were none. He also asked if the applicant was in attendance and for them to come forward. He verified receipt of seven letters in support and three in protest earlier that day.

Vice Mayor Fimbres stated there were two concerns, 1) whether the location was still going to be considered a bar and, 2) would the garbage and noise levels still going to be a problem. He asked the applicant to verify whether or not this location was now going to be an event center which the applicant verified.

Vice Mayor Fimbres asked the applicant if they were in agreement of making the necessary changes at which the applicant agreed. Furthermore, the applicant said there would be a complete resurfacing of the building to accommodate its use. The applicant stated they've had the liquor license more than 20 years, but since it wasn't operating for more than 3 years, they had to reapply for a new one. Vice Mayor Fimbres indicated the neighborhood association did not write a letter of protest and the applicant confirmed that it was correct.

It was moved by Vice Mayor Fimbres, duly seconded, and carried by a voice vote of 7 to 0, to forward Item 5b3 to the Arizona State Liquor Board with a recommendation for approval.

6. CALL TO THE AUDIENCE

Mayor Rothschild announced this was the time any member of the public was allowed to address the Mayor and Council on any issue except for items scheduled for a public hearing. Speakers were limited to three-minute presentations.

Mayor Rothschild also announced that pursuant to the Arizona Open Meeting Law, individual Council Members may ask the City Manager to review the matter, ask that the matter be placed on a future agenda, or respond to criticism made by speakers.

However, the Mayor and Council may not discuss or take legal action on matters raised during “call to the audience.”

Comments were made by:

Chuy Martinez

Ruth Beeker

Karen Greene

A recording of this item is available from the City Clerk’s Office for ten years from the date of this meeting.

7. CONSENT AGENDA – ITEMS A THROUGH O

Mayor Rothschild announced the reports and recommendations from the City Manager on the Consent Agenda were received into and made part of the record. He asked the City Clerk to read the Consent Agenda.

a. APPROVAL OF MINUTES

1. Report from City Manager SEP05-18-295 CITY WIDE
2. Mayor and Council Regular Meeting Minutes of February 6, 2018
3. Mayor and Council Study Session Minutes of February 6, 2018

b. INTERGOVERNMENTAL AGREEMENT: WITH VARIOUS OUTSIDE AGENCIES FOR THE PIMA COUNTY/TUCSON METROPOLITAN COUNTER NARCOTICS ALLIANCE

1. Report from City Manager SEP05-18-288 CITY WIDE
2. Resolution No. 22944 relating to Intergovernmental Agreements (IGA); approving and authorizing execution of an IGA among the Tucson Police Department, Pima County Sheriff's Department, Arizona Department of Public Safety, University of Arizona Police Department, and the Marana Police Department for the operation of the Pima County/Tucson Metropolitan Area Counter Narcotics Alliance (CNA); and declaring an emergency.

c. GRANT AGREEMENT: WITH THE ARIZONA ATTORNEY GENERAL'S OFFICE FOR THE VICTIMS' RIGHTS PROGRAM

1. Report from City Manager SEP05-18-289 CITY WIDE
2. Resolution No. 22945 relating to Victims' Rights; approving and authorizing execution of an Award Agreement with the Arizona Attorney General's Office for the Fiscal Year (FY) 2019 Victims' Rights Program; and declaring an emergency.

- d. FINAL PLAT: (S18-042) KINO FINAL BLOCK PLAT, BLOCKS A, B, AND C
 - 1. Report from City Manager SEP05-18-296 WARD 5
 - 2. Staff recommends that the Mayor and Council approve the plat as presented. The applicant is advised that building/occupancy permits are subject to the availability of water/sewer capacity at the time of actual application.
- e. FINAL PLAT: (S18-021) GREENLEE SUBDIVISION, LOTS 6A, 6B, AND 6C
 - 1. Report from City Manager SEP05-18-297 WARD 6
 - 2. Staff recommends that the Mayor and Council approve the plat as presented. The applicant is advised that building/occupancy permits are subject to the availability of water/sewer capacity at the time of actual application.
- f. FINAL PLAT: (S18-030) WAVERLY WALK, LOTS 1 THROUGH 5
 - 1. Report from City Manager SEP05-18-298 WARD 3
 - 2. Staff recommends that the Mayor and Council approve the plat as presented. The applicant is advised that building/occupancy permits are subject to the availability of water/sewer capacity at the time of actual application.
- g. FINAL PLAT: (S18-050) 4930 NORTH 1ST AVE PROPERTY SPLIT, LOTS 1 AND 2, AND COMMON AREA "A"
 - 1. Report from City Manager SEP05-18-299 WARD 3
 - 2. Staff recommends that the Mayor and Council approve the plat as presented. The applicant is advised that building/occupancy permits are subject to the availability of water/sewer capacity at the time of actual application.
- h. FINAL PLAT: (S18-004) LA ESTANCIA DE TUCSON, LOTS 665 THROUGH 828, AND COMMON AREAS "A" AND "B"
 - 1. Report from City Manager SEP05-18-300 WARD 4
 - 2. Staff recommends that the Mayor and Council approve the plat as presented. The applicant is advised that building/occupancy permits are subject to the availability of water/sewer capacity at the time of actual application.

- i. PRE-ANNEXATION AND DEVELOPMENT AGREEMENT: WITH COLUMBIA VENTURES, LLC, OWNERS OF PARCELS 132-23-1830, 132-23-1840 AND 132-23-185A, FOR WATER SERVICE
 - 1. Report from City Manager SEP05-18-290 WARD 5 AND OUTSIDE CITY
 - 2. Resolution No. 22946 relating to Pre-Annexation and Development Agreements; authorizing and approving the execution of a Pre-Annexation and Development Agreement between the City of Tucson and Columbia Ventures, LLC, owners of Parcel Nos. 132-23-1830, 132-23-1840, and 132-23-185A.
- j. PRE-ANNEXATION AND DEVELOPMENT AGREEMENT: WITH BARBARA L. PATTERSON, OWNER OF PARCEL 114-21-325C, FOR WATER SERVICE
 - 1. Report from City Manager SEP05-18-301 WARD 2 AND OUTSIDE CITY
 - 2. Resolution No. 22947 relating to Pre-Annexation and Development Agreements; authorizing and approving the execution of a Pre-Annexation and Development Agreement between the City of Tucson and Barbara L. Patterson, owner of Parcel No. 114-21-325C.
- k. INTERGOVERNMENTAL AGREEMENT: WITH THE AMPHITHEATER UNIFIED SCHOOL DISTRICT FOR THE SCHOOL RESOURCE OFFICERS PROGRAM
 - 1. Report from City Manager SEP05-18-302 CITY WIDE
 - 2. Resolution No. 22948 relating to Police and Intergovernmental Agreements (IGA); approving the IGA between the City of Tucson (City) and Amphitheater School District (ASD) for joint funding of a School Resource Officer (SRO) for the 2018-19 school year; and declaring an emergency.
- l. MANAGEMENT AGREEMENT: WITH THE REID PARK ZOOLOGICAL SOCIETY (CONTINUED FROM THE MEETING OF AUGUST 8, 2018)
 - 1. Report from City Manager SEP05-18-308 WARD 6
 - 2. Resolution No. 22949 relating to the Reid Park Zoo (Zoo); approving and authorizing the execution of a Management Agreement between the City of Tucson (City) and Reid Park Zoological Society (RPZS) for operation and management of the Zoo; and declaring an emergency.

(This item was continued to the meeting of September 25, 2018.)

m. INTERGOVERNMENTAL AGREEMENT AMENDMENT: WITH THE ARIZONA BOARD OF REGENTS FOR THE REID PARK ZOO VETERINARIAN FACILITY, ADDING THE REID PARK ZOOLOGICAL SOCIETY AS A PARTY

1. Report from City Manager SEP05-18-309 CITY WIDE
2. Resolution No. 22950 relating to the Reid Park Zoo (Zoo); approving and authorizing the execution of the Amendment No. 1 to the Intergovernmental Agreement (IGA) between the Arizona Board of Regents (University) and the City of Tucson (City) relating to the Veterinarian Clinic at the Reid Park Zoo and, adding the Reid Park Zoological Society (Society) as a party; and declaring an emergency.

(This item was continued to the meeting of September 25, 2018.)

n. INTERGOVERNMENTAL AGREEMENT: WITH ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM ADMINISTRATION (AHCCCS) FOR FEDERAL MATCHING FUNDS FOR THE ACCESS TO PROFESSIONAL SERVICES INITIATIVE AT TUCSON MEDICAL CENTER

1. Report from City Manager SEP05-18-310 CITY WIDE
2. Resolution No. 22951 relating to Intergovernmental Agreements (IGA); approving an IGA between Arizona Health Care Cost Containment System Administration (AHCCCS) and the City of Tucson (City) to allow the City to provide funding to secure federal matching funds for Access to Professional Services Initiative Program (APSI) at Tucson Medical Center (TMC); and declaring an emergency.

o. TUCSON CODE: AMENDING (CHAPTER 5) RELATING TO SHARED MOBILITY DEVICES

1. Report from City Manager SEP05-18-311 CITY WIDE
2. Ordinance No. 11583 relating to Bicycles and Shared Mobility Devices; providing definitions; regulating operation; by amending the Tucson Code, Chapter 5, bicycles, by changing the title; adding a new Article IV, shared mobility devices, Sections 5-15 to 5-22; and declaring an emergency.

Michael Rankin, City Attorney, mentioned in order to honor direction given from the discussion at Study Session with respect to the Zoo Management Agreement, with the number of changes made and the nature of those changes, they couldn't read them into the record. He suggested continuing Items l and m to the next meeting.

Council Member Kozachik stated with respect to Item o they had a pretty extensive discussion about that as well.

Michael Rankin, City Attorney, recognized the extensive discussion about Item o but indicated to deal with Items l and m first and to come back to Item o.

It was moved by Council Member Kozachik, duly seconded, and carried by a voice vote of 7 to 0 that Consent Agenda Items l and m be continued to the meeting of September 25, 2018

Mr. Rankin pointed out that Item n, which was the agreement relating to the Tucson Medical Center (TMC) AHCCCS payment, was still being worked out between TMC and the AHCCCS program to finalize the amount. He recommended going forward with the approval of the agreement recognizing the amount identifying the City's contribution was the cap. The City's contribution might be less than what was included in the agreement and would be treated as a "not to exceed that amount."

Mr. Rankin also stated with respect to Item o, which was the Ordinance relating to the Shared Mobility Pilot Program, the issue was raised of limiting the administrative authority of the final approval of the rules for the Shared Mobility Pilot Program. He suggested the addition of a subsection e to section 5-17 of the proposed Ordinance to read "the rules for the Shared Mobility Pilot Program shall be effective only upon approval of the Mayor and Council."

It was moved by Council Member Kozachik, duly seconded and carried by a voice vote of 7 to 0, that Consent Agenda Items a through k, and Items n and o as amended, be approved and/or adopted and proper action taken.

Council Member Durham asked if minutes were approved based on what people actually said or what they wished they said.

Mayor Rothschild said minutes were approved based on what people actually say.

8. ZONING: (C9-17-13) SPIETH - VINE AVENUE, R-2 TO P, CITY MANAGER'S REPORT, ORDINANCE ADOPTION

Mayor Rothschild announced City Manager's communication number 303, dated September 5, 2018, was received into and made part of the record. He said this was request to rezone property located on the southeast corner of Vine Avenue and 16th Street, from R-2 (residential) to P (parking) zoning. The Zoning Examiner and staff recommend approval of P zoning and staff recommends adoption of the Ordinance.

Mayor Rothschild asked if the applicant was in attendance and to come forward, state their name and relationship to the property.

Mr. Volker Spieth introduced himself as the husband of the owner of Roma Imports. He indicated they had been working for a year to turn a dirt lot into a parking lot to eliminate congestion in the area.

Mayor Rothschild asked Mr. Spieth if he was in agreement to the proposed requirements submitted by the City. Mr. Spieth agreed.

Mayor Rothschild asked the City Clerk to read Ordinance 11579 by number and title only.

Ordinance No. 11579 relating to Zoning: amending zoning district boundaries in the area on the southeast corner of Vine Avenue and 16th Street in case C9-17-13, R-2 to P; and setting an effective date.

It was moved by Vice Mayor Fimbres, duly seconded and passed by a roll call vote of 7 to 0, to approve the request as recommended by the Zoning Examiner and pass and adopt Ordinance No. 11579.

9. ZONING: (C9-18-13) GRANT ROAD INVESTMENT DISTRICT, URBAN OVERLAY DISTRICT, R-2, R-3, C-1, C-2, C-3 AND I-1, CITY MANAGER'S REPORT, ORDINANCE ADOPTION

Mayor Rothschild announced City Manager's communication number 304, dated September 5, 2018, was received into and made part of the record. He said this was a request to establish the Grant Road Investment District (GRID), an Urban Overlay District (UOD) that included parcels north and south of Grand Road, extending from west of 14th Avenue, east to North Park Avenue. The Zoning Examiner recommended approval of the Urban Overlay District zoning and staff recommended adoption of the Ordinance establishing Urban Overlay district zoning with the minor edits and clarifications as explained in Attachment E.

Mayor Rothschild asked the City Clerk to read Ordinance 11581 by number and title only.

Ordinance No. 11581 relating to Zoning: amending zoning district boundaries in the area including parcels north and south of Grant Road, extending from west of 14th Avenue, east to north Park Avenue in case C9-18-13, Grant Road Investment District Urban Overlay District, R-2, R-3, C-1, C-2, C-3 and I-1 to Urban Overlay District (UOD) and setting an effective date.

It was moved by Council Member Durham, duly seconded, to approve the request as recommended by the Zoning Examiner and pass and adopt Ordinance No. 11581.

Council Member Cunningham thanked Scott Clark, Director of Planning Development and Services Department, and Council Member Durham for their efforts with this Urban Overlay District.

Council Member Kozachik had questions since it would serve as a template for further overlays. He stated his concerns with areas in the Grant Road Investment District (GRID) would give the Planning Development and Services Department (PDSD) Director and others, unilateral authority to waive standards. He listed examples on page 2 (A)(3) of the material from staff and said there were multiple areas in the Overlay allowing for staff and developers to work around the zoning standards without an appropriate or equivalent conversation with the adjacent property owners possibly being affected by those waivers.

Council Member Kozachik stated that notices were currently sent to a neighborhood liaison and the neighborhood president should be included as well since they have direct contact to the residents in the area. He asked where the neighborhood policy could be found.

Daniel Bursuck, Lead Planner, Planning Development and Services Department stated neighborhood liaison policy was currently set up for Infill Incentive District, one for the Main Gate District and there will be one similar set up for this Overlay District as well and will be available online for anyone to reference.

Council Member Kozachik said they should be voting on something that already exists. He also mentioned the language in Section 7b, indicates "shall" include an Ad-Hoc voting member instead of "may." When this was discussed for the Main Gate, there was contentious conversation regarding the inclusion of members of the surrounding areas and neighborhoods were not optional, therefore the word "shall" needs to be included instead of "may".

Council Member Kozachik also said, in reference to a quorum, the grid referenced the City's Design Review Board (DRB) had 7 members but only 5 voting members. It also added a City Design Professional member from the grid and one from the affected neighborhood so it was either 10 or 8 members on the DRB. He asked for clarification on what constituted a quorum.

Mr. Bursuck said it was the same as the Design Review Board (DRB) rules. He also stated there were portions of the GRID Overlay District that did not have neighborhood associations so there may not be a need to have an Ad-Hoc neighborhood association to represent them. He believed it was the same as the DRB which is five (5) voting members and three (3) to constitute a quorum.

Council Member Kozachik stated the three (3) people out of a possible ten (10) could make quorum and vote to effect changes and enact waivers.

Mr. Bursuck confirmed that and it would be consistent with what they had done with the Main Gate District.

Council Member Kozachik said with the Main Gate District they required membership from surrounding and affected neighborhoods. It was not a “may” but a “shall” and that was the fundamental difference he was pointing out.

Council Member Kozachik said page 7-12A stated the PDSD Director made the final decision and he wanted to make sure those decisions were made in writing, giving the rationale and specifying all the variances granted. This allowed people to have the ability to see exactly where the waivers were allowed. He asked who could file an appeal.

Mr. Bursuck responded any person of record could file an appeal which was consistent with the PDSD Director’s decision in the Unified Development Code (UDC) which does require it to be in writing.

Council Member Kozachik asked who a person of record would be.

Mr. Bursuck responded a person of record would be anyone that had received notification, anyone who had commented on the project, the applicant or anyone who had spoken.

Council Member Kozachik stated with the current terms the neighborhood liaison may have been the only one who received the notice.

Mr. Bursuck said there were notification requirements for the major review. There was a three-hundred (300) foot notification requirement to all property owners within three-hundred (300) feet within the area and the neighborhood associations within a mile. There was also a fifty (50) feet notification requirement for a minor review and a neighborhood association without the site.

Council Member Kozachik confirmed that anyone Mr. Bursuck listed was notified and had appeal rights. He then asked where and what was the Street Scape Design Policy.

Mr. Bursuck explained that was reflective of some the feedback they had received through the process from the task force they vetted through and the workshops. They wanted this to be forward-looking. One idea was to leave in some historic properties even though there wasn’t an HPZ at that location. Another idea was to leave in neighborhood protection even though there wasn’t an MPZ at that location. The idea was to potentially adopt a Street Scape Policy that would mimic what was done with the Infill Incentive and Main Gate District. Once that was developed, it would require to go through the DRB and, eventually, to the Mayor and Council for adoption.

Council Member Kozachik said page 9(C)(2) made reference for lateral pedestrian connections. He explained there was no corollary requirement for safe by design standards so they were not creating nodes that could be used as crime magnets. He asked where the design criteria would be built in.

Mr. Bursuck stated they would be sent to the Tucson Police Department (TPD) to ensure they were compliant with safe by design and would be reviewed by the DRB.

Council Member Kozachik stated page 10 spoke about shade but he doesn't believe there should be variances for shade if it was designed to be pedestrian friendly. He also asked about the mitigation for taller structures being allowed to be seventy-five feet tall and thirty feet from the adjacent property line.

Mr. Bursuck indicated the dimensional standard still needed to be met. If there was a zero lot line, as in an industrial or commercial lot, they could potentially go to seventy-five feet but with a residential lot it needed to be set back one and a half times the height.

Council Member Kozachik asked about allowing bars and entertainment as permitted uses.

Mr. Bursuck stated they were only allowed for what the underlying zoning allowed. Additional protections were in place to allow the PDSD Director and/or the DRB to put additional zoning conditions in place.

Council Member Kozachik asked why the detention of storm water wouldn't be included as a standard. He said the wording on page 12 currently stated "detention of storm water should be in compliance" and should state "detention of storm water shall be in compliance."

Mr. Bursuck said it is still required to meet the storm water manual.

Council Member Kozachik said there was a cell in the building height planned for the Fontana Center that was left blank on page 14.

Mr. Bursuck confirmed it was extended on the page and included on the page above page 14. It was altogether Oracle Center (Sub-Center A) Western District, Fontana Center and First Avenue Center (Sub Center B). They were all forty feet.

Council Member Kozachik said it was cut off on his copy.

Council Member Kozachik stated those were his concerns and laid them out as the conversation continues. He invited PDSD staff to engage earlier rather than later in phases five and six due to the conversations that will be take place with those. He encouraged staff not to wait for phases three and four to be completed.

Council Member Cunningham asked for clarification on the bottom of page 5 Section 5, Subsection 4, Subsection (c). He asked if this exception piece was due to the compatibility situation in the event the neighbors wanted to make changes due to unforeseen circumstances.

Mr. Bursuck responded the section was there to allow flexibility when all circumstances are met.

Council Member Cunningham said he had asked for that and noticed everything he had seen in the overlay was C-1. He also wanted to ensure there was no R-1 in the overlay.

Mr. Bursuck stated there were a couple of R-2 and R-3 parcels that were vacant and owned by the City of Tucson. He also said they had met with the neighborhood associations, neighbors, and people up and down Grant Road to inform them of the plans and they were comfortable.

Council Member Cunningham stated it was set up because repaving had just been done. Therefore, changes were needed for the businesses to be more viable.

Mr. Bursuck responded yes. One of the main reasons why this was being done was because Phase 1 and Phase 2 of the Grant Road Improvement Project had occurred and led to awkwardly shaped parcels due to widening of the road.

Council Member Cunningham asked if all the appeals went before Mayor and Council.

Mr. Bursuck stated the major appeals would go before Mayor and Council.

Council Member Cunningham said there were places that failed with Main Gate and there would always be situations with "should haves". He stated he was enthusiastic with the project. He said he was in support and ready to vote.

Council Member Kozachik stated he was not asking for the project to be delayed but there were several areas where waivers had too much liberty and he wanted better reviews, especially when it came to shade variances and storm water detention.

Mayor Rothschild asked if there was a review clause built into the Ordinance where it would come back in one year.

Michael Rankin, City Attorney stated there was no review clause already built into the Ordinance, but he could give direction as such.

Mayor Rothschild stated that would be the way to deal with this. He agreed with Council Member Cunningham to incentivize people with all the input. He also indicated to Council Member Durham, if he saw anything, to bring it up for review since the location was in Ward 3.

Council Member Durham agreed with the idea but stated Council Member Kozachik made a very good point about the storm water issue. He asked staff if there would be any draw back in saying detention of storm water was not required but "must" be in compliance with that manual.

Mr. Bursuck stated the language was drafted by the engineers to allow for flexibility.

Michael Ortega, City Manager, stated the key was the flexibility built in with the storm water regulations that would allow for those that could not meet the requirement.

Council Member Kozachik read the exact language “detention of storm water is not required but should be in compliance with our storm water retention manual” and asked why it did not read “shall be in compliance”.

Mr. Ortega agreed it should be in compliance and thought there should be flexibility.

Mayor Rothschild asked for an example where it would be okay to not be in compliance with the storm water.

Mr. Ortega gave an example where flexibility may come into play. He stated if the storm water detention basin needed to be 20x20, but based on parking and concept of design, it can only be 18x18. This was where it would be a case by case basis and flexibility would come into play. He said if the Council wanted to have “shall” in the language then that reduced the flexibility.

Mayor Rothschild said the example was helpful for a clear understanding. He said if there was going to be a variance, there should be a written explanation.

Council Member Durham asked what the meaning of the phrase “detention of storm water is not required” was. He also asked what the difference was between detention and retention.

Mr. Bursuck explained it meant retention or detention was not required, and other methods could be used. He explained one was temporary and the other was holding it there. Detention held it and retention dispersed it.

Council Member Cunningham offered an amendment to the motion, accepted by the motion-maker, to include a review of the Ordinance in one year.

The motion, as amended, was carried by a voice vote of 6 to 1, (Council Member Kozachik dissenting).

10. ZONING: (SE-17-172) T-MOBILE - DREXEL ROAD, R-2 ZONE, WIRELESS COMMUNICATION FACILITY, SPECIAL EXCEPTION LAND USE, ORDINANCE ADOPTION

(NOTE: This item was continued at the request of staff.)

11. WATER: APPROVAL OF 2019 CENTRAL ARIZONA PROJECT ORDER

Mayor Rothschild announced City Manager's communication number 307, dated September 5, 2018, was received into and made part of the record.

It was moved by Council Member Cunningham, duly seconded and carried by a voice vote of 7 to 0, to approve the City's 2019 Central Arizona Project Order.

12. TUCSON CODE: AMENDING (CHAPTER 5) RELATING TO ELECTRIC BICYCLES

Mayor Rothschild announced City Manager's communication number 306, dated September 5, 2018, was received into and made part of the record. He asked the City Clerk to read Ordinance 11582 by number and title only.

Ordinance No. 11582 relating to Bicycles, Electric Bicycles or Tricycles; providing definitions; regulating operation; by amending the Tucson Code, Chapter 5, bicycles; amending Article I, in general, Section 5-2; amending Article II, motorized bicycle or tricycle, Sections 5-4 to 5-6; adding a new Article III, electric bicycles, Sections 5-12 to 5-14; and declaring an emergency.

Council Member Scott stated there were big concerns within the Ward 4 area regarding the presence of these non-pedaled, enhanced bicycles on the multi-use paths. There are 659 lane miles of bicycle paths throughout Tucson and the citizens in Ward 4 prefer not to use these types of bicycles on the multi-path lanes.


Council Member Cunningham said there were certain electric scooters that run under the speed of most bicycles and top out at about twelve (12) to fourteen (14) miles an hour. He suggested that care needed to be taken into consideration with this item.

Council Member Kozachik thanked staff for taking in the concerns of the citizens with respect to passing speeds.

It was moved by Council Member Durham, duly seconded and passed by a roll call vote of 6 to 1 (Council Member Scott dissenting), to pass and adopt Ordinance No. 11582.

13. **ADJOURNMENT:** 7:21 p.m.

Mayor Rothschild announced the next regularly scheduled meeting of the Mayor and Council will be held on Tuesday, September 25, 2018, at 5:30 p.m. in the Mayor and Council Chambers, City Hall, 255 West Alameda, Tucson, Arizona.



MAYOR

ATTEST:



CITY CLERK

CERTIFICATE OF AUTHENTICITY

I, the undersigned, have read the foregoing transcript of the meeting of the Mayor and Council of the City of Tucson, Arizona, held on the 5th day of September 2018, and do hereby certify that it is an accurate transcription.



DEPUTY CITY CLERK

RWR:bf:zm